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10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 Michael L Sloat, 13 14 Plaintiff, 15 v. 16 Law Offices of Regent & Associates 17 and Equable Ascent Financial, LLC, 18 Defendants. 19	Case No: _____ Complaint For Damages Jury Trial Demanded
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20 **INTRODUCTION**

21 1. The United States Congress has found abundant evidence of the use of  
22 abusive, deceptive, and unfair debt collection practices by many debt  
23 collectors, and has determined that abusive debt collection practices  
24 contribute to the number of personal bankruptcies, to marital instability, to the  
25 loss of jobs, and to invasions of individual privacy. Congress wrote the Fair  
26 Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (hereinafter  
27 “FDCPA”), to eliminate abusive debt collection practices by debt collectors,  
28 to insure that those debt collectors who refrain from using abusive debt

1 collection practices are not competitively disadvantaged, and to promote  
2 consistent State action to protect consumers against debt collection abuses.

3 2. The California legislature has determined that the banking and credit system  
4 and grantors of credit to consumers are dependent upon the collection of just  
5 and owing debts and that unfair or deceptive collection practices undermine  
6 the public confidence that is essential to the continued functioning of the  
7 banking and credit system and sound extensions of credit to consumers. The  
8 Legislature has further determined that there is a need to ensure that debt  
9 collectors exercise this responsibility with fairness, honesty and due regard  
10 for the debtor's rights and that debt collectors must be prohibited from  
11 engaging in unfair or deceptive acts or practices.

12 3. Michael L Sloat, ("Plaintiff"), through Plaintiff's attorneys, brings this action  
13 to challenge the actions of Law Offices of Regent & Associates, ("Regent &  
14 Associates"), and Equable Ascent Financial, LLC, ("Equable"), collectively,  
15 ("Defendants"), with regard to attempts by Defendants to unlawfully and  
16 abusively collect a debt allegedly owed by Plaintiff, and this conduct caused  
17 Plaintiff damages.

18 4. Plaintiff makes these allegations on information and belief, with the exception  
19 of those allegations that pertain to a plaintiff, or to a plaintiff's counsel, which  
20 Plaintiff alleges on personal knowledge.

21 5. While many violations are described below with specificity, this Complaint  
22 alleges violations of the statutes cited in their entirety.

23 6. Unless otherwise stated, all the conduct engaged in by Defendants took place  
24 in California.

25 7. Any violations by Defendants were knowing, willful, and intentional, and  
26 Defendants did not maintain procedures reasonably adapted to avoid any such  
27 violation.

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## **JURISDICTION AND VENUE**

8. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331, 15 U.S.C. § 1692(k), and 28 U.S.C. § 1367 for supplemental state claims.
9. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. ("FDCPA") and the Rosenthal Fair Debt Collection Practices Act, California Civil Code §§ 1788-1788.32 ("Rosenthal Act").
10. Plaintiff is a natural person who resides in the City of Loma Linda, County of San Bernardino, State of California.
11. Plaintiff resides in San Bernardino County, as defined by 28 U.S.C. § 1391c(1), the judicial district in which this lawsuit is brought.
12. At the time of the substantial part of the events or omissions giving rise to the claim occurred, Plaintiff was physically located in the City of Loma Linda, County of San Bernardino, State of California.
13. Because a substantial part of the events or omissions giving rise to the claim occurred in San Bernardino County, venue is proper pursuant to 28 U.S.C. § 1391b(2).
14. At all times relevant, Defendants conducted business within the State of California.

## PARTIES

15. Plaintiff is a natural person who resides in the City of Loma Linda, State of California.
16. Regent & Associates is located in the City of Houston, in the State of Texas.
17. Equable is located in the City of Buffalo Grove, in the State of Illinois.
18. Plaintiff is obligated or allegedly obligated to pay a debt, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).
19. Defendants are persons who uses an instrumentality of interstate commerce or the mails in a business the principal purpose of which is the collection of

1 debts, or who regularly collects or attempts to collect, directly or indirectly,  
2 debts owed or due or asserted to be owed or due another and are therefore  
3 debt collectors as that phrase is defined by 15 U.S.C. § 1692a(6).

4 20. Plaintiff is a natural person from whom a debt collector sought to collect a  
5 consumer debt which was due and owing or alleged to be due and owing from  
6 Plaintiff, and is a “debtor” as that term is defined by California Civil Code §  
7 1788.2(h).

8 21. Defendants, in the ordinary course of business, regularly, on behalf of  
9 himself, herself, or others, engages in debt collection as that term is defined  
10 by California Civil Code § 1788.2(b), and are therefore debt collectors as that  
11 term is defined by California Civil Code § 1788.2(c).

12 22. This case involves money, property or their equivalent, due or owing or  
13 alleged to be due or owing from a natural person by reason of a consumer  
14 credit transaction. As such, this action arises out of a consumer debt and  
15 “consumer credit” as those terms are defined by Cal. Civ. Code § 1788.2(f).

16 **FACTUAL ALLEGATIONS**

17 23. Sometime before November 7, 2013, Plaintiff is alleged to have incurred  
18 certain financial obligations.

19 24. These financial obligations were primarily for personal, family or household  
20 purposes and are therefore a “debt” as that term is defined by 15 U.S.C.  
21 §1692a(5).

22 25. These alleged obligations were money, property, or their equivalent, which is  
23 due or owing, or alleged to be due or owing, from a natural person to another  
24 person and are therefore a “debt” as that term is defined by California Civil  
25 Code §1788.2(d), and a “consumer debt” as that term is defined by California  
26 Civil Code §1788.2(f).

- 1 26. Sometime thereafter, but before November 7, 2013, Plaintiff allegedly fell
- 2 behind in the payments allegedly owed on the alleged debt. Plaintiff currently
- 3 takes no position as to the validity of this alleged debt.
- 4 27. Subsequently, but before November 7, 2013, the alleged debt was assigned,
- 5 placed, or otherwise transferred, to Defendant for collection.
- 6 28. Pursuant to the instructions of Equable, on or about November 7, 2013, Regent
- 7 & Associates, filed a state collections lawsuit against Plaintiff in the Superior
- 8 Court of Orange County, Case No. 30-2013-00686039-CL-CL-CJC.
- 9 29. Despite filing the State Action in the Orange County Superior Courthouse,
- 10 Plaintiff did not reside within the jurisdiction of the Orange County Superior
- 11 Courthouse at the time the lawsuit was filed.
- 12 30. Regent & Associates, acting at the request of Equable, initiated the underlying
- 13 State action against Plaintiff, unrelated to real property, in a judicial district or
- 14 similar legal entity that is outside the judicial district or similar legal entity
- 15 where Plaintiff resided at the commencement of the action. This conduct by
- 16 Defendants violated 15 U.S.C. § 1692i.
- 17 31. Based upon Plaintiff's current address, the correct Court to hear the
- 18 underlying State action was the San Bernardino Superior Courthouse.
- 19 32. As a result of Defendants' illegal conduct, Plaintiff has incurred damages,
- 20 including being forced to defend an action in an improper and inconvenient
- 21 forum.
- 22 33. Through this conduct, Defendants violated 15 U.S.C. § 1692e by using false,
- 23 deceptive and misleading representations in connection with the collection of
- 24 Plaintiff's alleged debt.
- 25 34. Defendants' false and deceptive conduct in filing the underlying State action
- 26 against Plaintiff in such an improper and inconvenient forum constitutes a
- 27 violation of 15 U.S.C. § 1692e(10).

1 35. Through this conduct, Defendants took actions against Plaintiff concerning  
2 the alleged debt in violation of the statute discussed above. Consequently,  
3 Defendants violated 15 U.S.C. §§ 1692e; 1692e(10); and, 1692i.  
4 36. Because this violated certain portions of the federal Fair Debt Collection  
5 Practices Act as these portions are incorporated by reference in the Rosenthal  
6 Fair Debt Collection Practices Act, through California Civil Code § 1788.17,  
7 Defendants' conduct or omission violated Cal. Civ. Code § 1788.17.

8 **CAUSES OF ACTION**

9 **COUNT I**

10 **FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)**

11 **15 U.S.C. §§ 1692 ET SEQ.**

12 37. Plaintiff repeats, re-alleges, and incorporates by reference, all other  
13 paragraphs.  
14 38. The foregoing acts and omissions constitute numerous and multiple violations  
15 of the FDCPA, including but not limited to each and every one of the above-  
16 cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.  
17 39. As a result of each and every violation of the FDCPA, Plaintiff is entitled to  
18 any actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in  
19 an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and,  
20 reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from  
21 Defendants.

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## COUNT III

## **ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT (ROSENTHAL ACT)**

## CAL. CIV. CODE §§ 1788-1788.32

40. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.
41. The foregoing acts and omissions constitute numerous and multiple violations of the Rosenthal Act, including but not limited to each and every one of the above-cited provisions of the Rosenthal Act, Cal. Civ. Code §§ 1788-1788.32
42. As a result of each and every violation of the Rosenthal Act, Plaintiff is entitled to any actual damages pursuant to Cal. Civ. Code § 1788.30(a); statutory damages for a knowing or willful violation in the amount up to \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b); and reasonable attorney's fees and costs pursuant to Cal. Civ. Code § 1788.30(c) from Defendant.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant, and Plaintiff be awarded damages from Defendant, as follows:

- An award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- An award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3);
- An award of actual damages pursuant to California Civil Code § 1788.30(a);
- An award of statutory damages of \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b);
- An award of costs of litigation and reasonable attorney's fees, pursuant to Cal. Civ. Code § 1788.30(c).

1 43. Pursuant to the seventh amendment to the Constitution of the United States of  
2 America, Plaintiff is entitled to, and demands, a trial by jury.  
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Respectfully submitted,

**Hyde & Swigart**

Date: February 18, 2014

By:s/ Crosby S. Connolly  
Crosby S. Connolly  
Attorneys for Plaintiff

HYDE & SWIGART  
San Diego, California

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